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KENNETH L. SCHROEDER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

SECURITIES AND EXCHANGE
COMMISSION,

Plaintiff,

v.

KENNETH L. SCHROEDER,

Defendant.

No. C 07 3798 JW

**STIPULATION AND ~~PROPOSED~~ ORDER
TO CONTINUE THE HEARING, SET THE
BRIEFING SCHEDULE AND SET THE
BRIEFING FORMAT ON THE MOTION
OF KENNETH L. SCHROEDER TO
COMPEL FURTHER RESPONSES TO
DISCOVERY REQUESTS (TESTIMONY
AND DOCUMENTS) BY (1) KLA-TENCOR
CORPORATION AND (2) SKADDEN,
ARPS, SLATE, MEAGHER & FLOM LLP,
ATTORNEYS FOR THE SPECIAL
COMMITTEE OF KLA'S BOARD OF
DIRECTORS**

Date: August 26, 2008
Time: 10:00 A.M.

Courtroom: 8
Magistrate Judge Howard R. Lloyd

MODIFIED BY THE COURT

1 Defendant Kenneth L. Schroeder and non-parties KLA-Tencor Corporation (“KLA”) and
 2 Skadden, Arps, Slate, Meagher & Flom LLP, by and through their respective counsel, hereby
 3 submit, pursuant to Civil L.R. 6-1(b), 6-2, 7-7 and 7-12, this stipulated and agreed request that the
 4 Court continue the hearing date and approve a briefing schedule and briefing format for the
 5 Motion Of Kenneth L. Schroeder To Compel Further Responses To Discovery Requests
 6 (Testimony And Documents) By (1) KLA-Tencor Corporation and (2) Skadden, Arps, Slate,
 7 Meagher & Flom LLP, Attorneys For The Special Committee Of KLA’s Board Of Directors (the
 8 “Motion to Compel”).

9 WHEREAS, pursuant to the Court’s directive at the January 29, 2008 status conference,
 10 Mr. Schroeder filed a single, consolidated 40-page Motion to Compel setting out his arguments
 11 concerning both KLA and Skadden, Arps, Slate, Meagher & Flom LLP and several individual
 12 Skadden, Arps, Slate, Meagher & Flom attorneys (collectively “Skadden”),¹ in lieu of two or
 13 more 25-page motions;

14 WHEREAS Mr. Schroeder filed the Motion to Compel on June 9, 2008 and originally set
 15 the Motion to Compel for hearing on July 15, 2008 and later, at the request of KLA and Skadden,
 16 continued the hearing to August 26, 2008;

17 WHEREAS KLA and Skadden have requested that the hearing on the Motion to Compel
 18 be continued for an additional two weeks, to September 9, 2008, in light of the significance and
 19 complexity of the issues raised by the motion and to allow the parties to continue to meet and
 20 confer to attempt to reduce the scope of the issues and discovery disputes that the Court would
 21 need to consider in connection with Mr. Schroeder’s Motion to Compel;

22 WHEREAS, Mr. Schroeder’s Motion to Compel addresses separate subpoenas served on
 23 KLA and Skadden, and KLA and Skadden believe that it would be both appropriate and efficient
 24 (1) for KLA and Skadden to file separate oppositions to the Motion to Compel, with each brief
 25 not to exceed 25 pages in length, and (2) for Mr. Schroeder to file, at his election, either two reply
 26

27 ¹ The individual attorneys served with subpoenas include Elizabeth Harlan, Galen Bellamy, Jack
 28 DiCanio, Zvi Gabby, Victoria Holstein-Childress, Cale Keable, Morgan Lopez, Richard
 Marmaro, Thomas McDonald, Lanelle Meidan, Jonah Van Zandt and Sherry Wu.

1 briefs, neither to exceed 15 pages in length, or one consolidated reply brief of no more than 30
2 pages in length;

3 WHEREAS Mr. Schroeder and the Securities and Exchange Commission have no
4 objection to any of the foregoing;

5 **IT IS HEREBY STIPULATED AND AGREED:**

6 Subject to the Court's approval,

7 1. The hearing on Schroeder's Motion to Compel shall be continued to September 9,
8 2008;

9 2. KLA and Skadden may file separate opposition briefs to the Motion to Compel,
10 neither of which shall exceed 25 pages in length, no later than August 1, 2008; and

11 3. Mr. Schroeder may file, at his election, either two separate reply briefs, neither of
12 which shall exceed 15 pages in length, or one consolidated reply brief of no more than 30 pages
13 in length, no later than August 26, 2008.

14 Dated: July 25, 2008

DLA PIPER US LLP

15
16 By: /s/ Jeffrey B. Coopersmith
JEFFREY B. COOPERSMITH

17 Attorneys for Defendant
18 KENNETH L. SCHROEDER

19
20 Dated: July 25, 2008

MORGAN, LEWIS & BOCKIUS LLP

21
22 By: /s/ Thomas R. Green
THOMAS R. GREEN

23 Attorneys for Non-party
24 KLA-TENCOR CORPORATION

1 Dated: July 25, 2008

SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

2
3 By: /s/ Timothy Miller

4 TIMOTHY MILLER

5 Attorneys for Non-party

6 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP


ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED:

23

1. The hearing on Schroeder's Motion to Compel shall be continued to September 23, 2008;
2. KLA and Skadden shall file separate opposition briefs to the Motion to Compel, neither of which shall exceed 25 pages in length, no later than August 1, 2008; and
3. Mr. Schroeder may file, at his election, two separate reply briefs in support of the Motion to Compel, neither of which shall exceed 15 pages in length, or one consolidated reply brief of no more than 30 pages in length, no later than August 26, 2008.

August
Dated: ~~July~~ 1, 2008.



The Honorable Howard R. Lloyd
United States Magistrate Judge